

Notes from Aquifer Science/Campbell Ranch Hearing 7/1/19

Judge Clay Campbell presiding.

In attendance:

Jeff Albright – attorney for Bernalillo County (also Ken Martinez – Bernalillo County Attorney)

Dog Meikeljohn and Paul Hultin – NMELC attorneys for SPCE and the protestants

Dave Thompson – Pro Se

Jeff Forniciari and Julie Sakura – attorneys for Aquifer Science/Campbell Ranch

Bill Teel – attorney for the Office of the State Engineer

Jeff Peterson – OSE Water Rights Division

40 plus protestants: residents and pro se

Not present: Any principals from Aquifer Science, Vidler or PICO

The purpose of today's hearing was for Judge Clay Campbell to introduce himself and start some housekeeping for the final phase of the Appeal trial. Even though Judge Bacon issued her ruling in January 2019, the case is not complete until the FINAL RULING is issued. Because Judge Bacon has since been appointed to the NM Supreme Court, her case had to be re-assigned to the next Water Judge who will issue the Final Ruling. Judge Campbell, while not officially the District 2 Water Judge yet, expects that he will receive the official appointment soon. It requires the signature of the Chief Justice of the NM Supreme Court but she is out with a medical condition at the moment. Until he receives an official appointment he cannot technically do anything in the case but, in the meantime, he wants to get things lined up so that he can proceed as soon as that happens.

Today, he assigned Jeff Albright to oversee the organization and submittal of some preparation work to be done by all of the attorneys. The Judge said that he has been familiarizing himself with the case but does not expect to read the trial transcripts, etc because Judge Bacon has written the Findings of Fact and Conclusions of Law and that is what he will be adhering to. Judge Campbell cautioned that he was not interested in seeing any motions seeking to change Judge Bacon's Findings of Fact and Conclusions of Law.

As soon as Judge Campbell receives the Water Judge appointment, he will review the various motions and set a date to rule on the motions and issue the Final Ruling for the case. Several motions have already been filed by both our side and Aquifer Science. Some of those motions involve 'joining' PICO Holdings (the parent company of Vidler and Aquifer Science) to the case. Others have to do with seeking to have certain trial expenses paid by the PICO/Vidler/Aquifer Science side. In order to be most expedient and avoid having people make multiple trips, the Judge plans to set aside a full day with the expectation of wrapping it all up that day. Once the Final Ruling is issued, Aquifer Science/Campbell Ranch will have 30 days in which to file an appeal to the NM Appellate Court, if they wish to do so.

We thank everyone who showed up for taking time to do that. It was important that the new judge see the strength of the community support!